

RULE 518

Variance Procedures For Title V Facilities

(a) Procedures

Any Title V facility as defined in Rule 3000 (b), having a facility permit under Regulation XXX shall comply with the applicable requirements of Regulation V of these Rules and Regulations when seeking a variance from State or District enforcement as authorized by California Health & Safety Code, Division 26, Part 4, Chapter 4, Article 2.

(b) Limitation

On or after the effective date of a Title V program as defined in paragraph (b)(8) of Rule 3000, a Title V facility shall not be granted a variance, or an abatement order which has the effect of a variance, from the Regulation XXX requirements to obtain a Title V permit.

[SIP: Not SIP; See Interim Approval for Federal Operating Permits Program (Title V) 2/27/97 62 FR 8878; Prior Rule 518 - Findings Deletion Challenged, U.S. 9th Cir. Case # 97-71117; Deleted 6/27/97 62 FR 34641, 40 CFR 52.220(c)(39)(iii)(F) and 40 CFR 52.220(c)(30)(x)(B); Approved 9/8/78, 43 FR 40011, 40 CFR 52.220(c)(39)(iii)(C); Approved 6/14/78, 43 FR 25684, 40 CFR 52.220(c)(30)(x)(A)]

(Adopted: 8/11/95; Amended: 10/21/97)

RULE 518.1

Permit Appeal Procedures For Title V Facilities

(a) Permit Appeals

- (1) The APCO shall submit a copy of any Title V facility permit that includes any federally enforceable requirements, which is issued, or in which any federally enforceable conditions are added or revised, as a result of a hearing before the Hearing Board, to any affected state for review pursuant to Rule 3003 (m) and to the United States Environmental Protection Agency (USEPA) for review pursuant to Rules 3003 (j) and 3003 (k).

(b) Effective Date of Permit

- (1) Such permit, or such federally enforceable terms of the permit, as have been added or revised, shall not be effective as a Title V permit or a revision to a Title V permit until the:
 - (A) expiration of USEPA's forty-five (45) day review period without timely objection; or,
 - (B) receipt of notice from USEPA that no objection will be made; or,
 - (C) resolution, pursuant to Rule 3003 (k), of any timely objection by USEPA.

[SIP: Not SIP; See Interim Approval for Federal Operating Permits Program (Title V) 2/27/97 62 FR 8878]

(Adopted: 1/12/96; Amended: 10/21/97)

RULE 518.2

Federal Alternative Operating Conditions

(a) Purpose

This rule establishes procedures by which a Title V facility, as defined in subdivision (b) of Rule 3000 - General, obtaining a variance from the District Hearing Board may obtain approval of an Alternative Operating Condition (AOC) that would be recognized by the United States Environmental Protection Agency (USEPA). Hearing Board approval of an AOC pursuant to the requirements of this rule would shield the petitioner from enforcement pursuant to the federal Clean Air Act of otherwise-applicable requirements specifically addressed by the AOC.

(b) Definitions

- (1) ALTERNATIVE OPERATING CONDITION (AOC) means an order established by the Hearing Board pursuant to subdivision (e) of this rule which authorizes a source to be operated in a specified manner which would otherwise not comply with an applicable requirement of the State Implementation Plan (SIP) or a permit term or condition based on any such applicable requirement.